

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. Kojima, et al.
Application No.: 09/917,912
Filed: July 31, 2001
For: METHOD AND APPARATUS FOR PROCESSING
SAMPLES
Group: 1756
Examiner: M. Angebranndt

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 29, 2004

Sir:

Petitioner, Hitachi, Ltd., having its place of business at 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo 100, Japan, represents that it is the sole owner of the entire interest of U.S. Application No. 09/917,912, filed July 31, 2001, for METHOD AND APPARATUS FOR PROCESSING SAMPLES, and that the Assignment of all rights in connection therewith has been recorded at Reel 7493, Frame 0623.

Petitioner hereby disclaims all that portion of the term of any patent to be issued on the above-identified application subsequent to the expiration date of the full statutory term, defined in 35 U.S.C. §154 to §156 and §173, of the earliest expiring of U.S. Patent No. 5,007,981, issued April 16, 1991, and U.S. Patent No. 6,077,788, issued June 20, 2000; and hereby agrees that any patent issued on the above-identified application shall be enforceable only for and during such time as the said U.S. Patent No. 5,007,981 and the above-identified application are

commonly owned, and that any patent issued on the above-identified application shall be enforceable only for and during such time as the said U.S. Patent No. 6,077,788 and the above-identified application are commonly owned.

Petitioner, however, does not disclaim the terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term, defined in 35 U.S.C. § 154 to § 156 and § 173, of the earliest expiring patent of the above-listed U.S. Patent No. 5,007,981 and U.S. Patent No. 6,077,788, in the event that this earliest expiring patent expires: for failure to pay a maintenance fee; is held unenforceable; is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of the above-referred-to full statutory term, except for the separation of legal title as stated above.

This disclaimer is to be binding with respect to any patent granted on the above-identified application, and is binding upon grantees, their successors, or assignees of any interests.

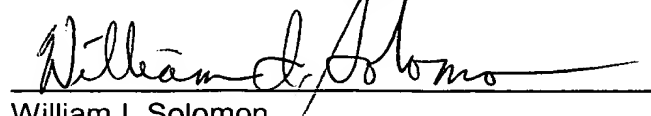
The undersigned is an attorney of record in this application and is empowered to act on behalf of Hitachi, Ltd. for execution and submission of Terminal Disclaimers, in accordance with the provisions of 37 C.F.R. §1.321(b) and (c), effective January 4, 1994.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in cursive script, appearing to read "William I. Solomon", is written over a horizontal line.

William I. Solomon
Registration No. 28,565

1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209
(703) 312-6600
(703) 312-6666 (fax)
WIS/sjg